THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21311 of 2005

Dated 30.09.2005

Between:

P.Vasudev Reddy,S/o Venkat Reddy,

Aged about 32 years. Occ. Business,

R/o H.No.2-5-394, S.V.Colony,

Behind Adlath, Hanamkonda, Warangal District.

..... PETITIONER

AND

1. The Collector/Chairman, HDS, MGM Hospital,

Warangal, Warangal District and others.

…. Respondents

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21311 of 2005

Oral Order:

The petitioner was awarded the diet contract in respect of MGM Hospital at Warangal initially for a period of one year from1.5.2003 to 31.5.2004. For the next year also, a tender notice was issued and the petitioner participated therein. Since he emerged as the successful tenderer, the contract was awarded to him for a period of one year i.e. upto 31.5.2005.

On the earlier occasion, the petitioner approached this Court by filing W.P.No.10075 of 2005 claiming twofold relief viz., payment of the revised rates and

extension of the term of the contract in accordance with G.O.Ms.No.32 dated 02.02.2005. The writ petition was dismissed on 14.9.2005 holding that the petitioner is not entitled to be paid the revised rates and that the occasion for extension of the benefit under G.O.Ms.No.32 did not arise.

The respondents issued a tender notice dated 23.9.2005 inviting tenders for awarding of the contract for a period of one year from the date of commencement of the contract. The petitioner challenges the same by placing reliance upon G.O.Ms.No.32 dated 2.2.2005.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

The Government issued G.O.Ms.No.32 dated 2.2.2005 providing for extension of the term of the diet contracts up to three years, subject to evaluation of the performance by the Director of Medical Education, the 3rd respondent. The grievance of the petitioner on this account was not entertained by this Court on the ground that the occasion did not arise. Now the respondents have issued a tender notice dated 23.9.2005. The benefit of extension of the term of the contract under G.O.Ms.No.32 is not automatic. It is subject to the assessment of the performance by the 3rd respondent. For this purpose, the Superintendents of the concerned hospitals were required to send the performance report. As of now, it is not known as to whether the 2nd respondent has submitted any performance report to the 3rd respondent. Unless such evaluation has been made, petitioner cannot be extended the benefit under the said G.O. At the same time, the rights of the petitioner cannot be defeated by proceeding with the tendering process.

For the foregoing reasons, the writ petition is disposed of directing that

A. the 2nd respondent shall submit the performance report in relation to the diet contract of the petitioner to the 3rd respondent, within a period of two weeks from the date of receipt of this order and on receipt of the same, the 3rd respondent shall pass appropriate orders as regards the eligibility of the petitioner to extend the benefit under G.O.Ms.No.32 dated 2.2.2005.

B. The further steps in pursuance of the tender notification dated 23.9.2005 may be proceeded with and the final orders thereon shall be passed only after the 3rd respondent takes a decision as to the eligibility of the petitioner as indicated in para-A

C. It shall be open to the petitioner to submit his tender and the same shall be without prejudice to his right to be considered for extension.

30..09..2005

NOTE: Operative portion by wire

at party's cost

(b/o)

msv